

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/WAS-086-PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/012669	International filing date (<i>day/month/year</i>) 09.11.2004	Priority date (<i>day/month/year</i>) 10.11.2003
International Patent Classification (IPC) or national classification and IPC A62C39/00, A62C35/15		
Applicant WAGNER ALARM- UND SICHERUNGSSYSTEME GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-16 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-10 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1 received by this Authority on 02.06.2005 with letter of 01.06.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-10</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-10</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	This report makes reference to the following document:		
	D1: US 2001/029750 A1 (KOTLIAR IGOR K) 18 October 2001 (2001-10-18)		
	1.1	D1 is considered to be the prior art closest to the subject matter of the claims. D1 (the references in parentheses are to D1) discloses:	
		<p><i>"device for preventing and extinguishing fires in a spatial area (hereinafter referred to as "target area") that is closed or can be divided into closed sections, said device having a buffer reservoir (112) in which oxygen-displacing gas is stored under high pressure, at least one supply line system (113) which, in each case, connects at least one discharge nozzle (114) to the buffer reservoir via a pressure relief valve, and a control device for controlling the pressure relief valve in order to introduce the oxygen-displacing gas into the target area (110) gradually as needed or suddenly in the case of a fire, wherein, in the target area, one or more inertization levels with</i></p>	

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	<p><i>a lower oxygen content relative to natural concentrations can be set, and wherein the buffer reservoir is in the form of a high pressure pipe with a compressive force of > 200 bar".</i></p> <p>1.2 Thus the subject matter of claim 1 differs from the known device for preventing and extinguishing fires in that</p> <p><i>"the end sections (12) of the high pressure pipe (8) each have a connection (13) for a supply line system (4)".</i></p> <p>1.3 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>2.1 The problem to be solved by the present invention can therefore be regarded as that of <i>making it possible for the inert gas stored in the high pressure pipe to be introduced into the target area especially quickly in the case of a fire and for a fire to be extinguished as quickly and effectively as possible.</i></p> <p>2.2 The solution to this problem as proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)): <i>The problem is not mentioned in the closest prior art. Moreover, the prior art does not provide any information that would suggest the solution.</i></p> <p>3.1 Claims 2 to 10 are dependent on claim 1 and</p>

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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therefore also meet the PCT requirements for
novelty and inventive step.